

REMARKS

Claims 1-3 and 5-43 are pending in this application, with claims 1, 28 and 35 being independent. Independent claims 1, 28 and 35 along with claims 30 and 39 have been amended. Claims 29 and 38 have been canceled. No new matter has been added by way of this amendment. Favorable reconsideration and further examination is respectfully requested in view of the foregoing amendments and the following comments of the Applicants, which are preceded by related comments of the Examiner in small bold type:

Election/Restrictions

1. Applicant's election without traverse of claims 1-3, 5-43 in the reply filed on 1/19/06 is acknowledged. Applicant elected Species VI and alleged that claims 1-3, 5-43 readable on the elected Species. However figure 8 of the elected Species does not show the followings: a fire extinguisher of claim 2 (figure 3), or a fire alarm pull station of claim 3 (figures 6 and 7), or an emergency lighting station of claim 5 (figure 9), or the proximity sensor for using in the alarm pull station of claims 11-17 (as disclosed in page 20, lines 17-21 and figure 6), or an emergency egress station of claim 26. Therefore, claims 2, 3, 5, 11-17, and 26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim. The Restriction requirement is still deemed proper and is therefore made FINAL.

Without conceding to the Examiner's position and in the interest of advancing prosecution, Applicants acknowledge that claims 2, 3, 5, 11-17 and 26 have been withdrawn. However, Applicants respectfully disagree with the withdrawal of at least claims 11-17. The Examiner appears to cite page 20, lines 17-21 of the application as describing a proximity sensor. The Examiner also appears to suggest that the proximity sensor is only associated with a sonar module 90 that is included in a fire alarm pull station 140 shown in FIG. 6. However, as described in the application, the defibrillator station 150 shown in FIG. 8 also includes a sonar module (see page 12, lines 4-22) that may include a proximity sensor. As such, Applicants submit that claims 11-17 should not be withdrawn.

Claim Rejections - 35 USC § 102

3. Claims 1, 6, 7, 18-21, 27, 28, 31, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan et al.

Morgan et al. discloses an apparatus for remote inspection of emergency

equipment comprising: a detector 48 located from an emergency equipment station 46 for detection of access to the emergency equipment station 46 and is separately located with respect to the defibrillator, wherein the emergency equipment station including a defibrillator station 10 with a portable defibrillator and an electronic circuit in the communicator 14 for communicating with a remote central station 24 to issue an RF signal for accessing the emergency equipment station 46 (see figure 3 and column 6, lines 52-67), the communication from the emergency equipment station is configured to interface with a hardwire connection such as telephone lines (see column 3, lines 32- 54).

Amended independent claim 1 is directed to an apparatus for remote inspection of emergency equipment. The equipment is installed in one or a system of emergency equipment stations. The apparatus includes a detector that is located at an emergency equipment station for detection of the presence of an obstruction to viewing of or access to the emergency equipment station. The apparatus also includes a defibrillator station with a portable defibrillator that is located at the emergency equipment station. The apparatus includes an electronic circuit that is in communication between the detector and a remote central station. The electronic circuit can issue a signal to the remote central station upon detection of the obstruction to the emergency equipment station.

The applied art is not understood to disclose or to suggest features of amended independent claim 1. For example, the art is not understood to disclose or to suggest "a detector located at an emergency equipment station for detection of the presence of an obstruction to viewing of or access to the emergency equipment station", as required by claim 1.

Morgan describes a defibrillator 10 which may be activated by a user requestor 48 so that the defibrillator may be removed from a locked holder 46 (see FIG. 3). The user requestor may be a button, lever, or switch that triggers a sequence of signals (with a communication station) to unlock the defibrillator for user access. In this regard, and as cited by the Examiner, Morgan reads:

FIG. 3 shows one example of an implementation of this notification feature. In this example, the defibrillator and defibrillator communicator are disposed in a locked holder 46. To request use of the defibrillator 10, the user must activate a use requester 48 on the holder 46. Use requester 48 may be, e.g., a button, lever, or switch. Activation of the use requester 48 is a triggering event that sends a signal to the communication station on the communication network through defibrillator communicator 14. In response, the communication station (1) sends a return signal to the defibrillator communicator authorizing the operation of a lock actuator 52 to open lock 50 so that the user can access the defibrillator; (2) dispatches emergency medical personnel to

the defibrillator's location; and (3) begins sending any required use information or control signals to the defibrillator. (col. 6, lines 52-67)

Thus, the user requestor 48 provides an interface to grant a user access to the defibrillator 10 and is silent in regards to obstruction detection. Furthermore, referring to item 6 of the action (see below), the Examiner concedes that Morgan does not teach a detector for detecting an obstruction for viewing.

Accordingly, Morgan fails at least to disclose or to suggest a detector located at an emergency equipment station for detection of the presence of an obstruction to viewing of or access to the emergency equipment station.

For at least these reasons, independent claim 1 is believed to be patentable. Independent claim 28 includes limitations that are similar to those described above with respect to claim 1. Independent claim 28 is also believed to be allowable for at least the same reasons noted above.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been addressed specifically herein.

4. Claim 35 is rejected under 35 U.S.C. 102(b) as being anticipated by Cronin et al.

Cronin disclose an emergency equipment station 10 having a portable defibrillator, one or more batteries with a low battery detector 18/19 (see column 4, lines 29-37)

Independent claim 35 has been amended to include subject matter of claim 38 (i.e., a detector for detection of the present of an obstruction to viewing of or access to the portable defibrillator.

Cronin is understood to describe a defibrillator storage device that is capable of protecting a defibrillator and also includes an integral alarm system for issuing an alert during a cardiac arrest incident (see col. 2, lines 5-67).

Accordingly, Cronin fails at least to disclose or to suggest a detector for detection of the present of an obstruction to viewing of or access to the portable defibrillator.

For at least this reason, amended independent claim 35 is believed to be patentable.

Claim Rejections - 35 USC § 103

6. Claims 8, 29, 30, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Hinchey (U.S. Patent No. 5,793,280).

Morgan et al. teaches all the limitations of the claims except for a detector for detection of an obstruction to viewing. However, Hinchey discloses an emergency equipment station 10 with a detector 82 for detection of an obstruction to viewing, an audible alarm 44, and a visual alarm 42. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Morgan et al. with detector for detection of an obstruction to viewing as suggested by Hinchey. Doing so would provide an effective emergency equipment station (see column2, lines 10+).

With respect to claim 8, to have the detection range of 6 inches to 10 feet is obvious with one skilled in the art and furthermore, one of ordinary skill in the art would have expected Applicant's invention to perform equally well with either claimed dimensions or the Hinchey's device. Therefore, it would have been an obvious matter of design choice to modify the device of Morgan et al. in view Hinchey to obtain the invention as specified in claim 8.

As mentioned above, the Examiner concedes that Morgan does not teach a detector for detection of an obstruction to viewing. To provide this limitation the Examiner appears to point to Hinchey, which describes a motion detector that detects the presence of people. In this regard, Hinchey reads:

Other conditions may be monitored to effect operation of beacons 62, 64. As seen in FIG. 5, an automatic switch 80 comprises a motion detector 82. Motion detector 82 has associated contacts 84 closing a circuit when motion is detected. In a building, it is a reasonable assumption that people are frequently moving, and that human presence may be inferred by detection of motion. This arrangement assures that beacons 62, 64 are operative when persons are present, and that battery power is conserved when no occupants are present. (col. 5, lines 6-15)

The motion detector 82 is understood to detect motion, in particular, the motion of people. If a moving body is present, a visual beacon and/or an audible signaling beacon indicates the location of a fire extinguisher bracket (in which the motion detector is incorporated). Thereby, visual and/or audible alerts are provided only when moving bodies are present.

However, an inanimate obstruction such as a stack of boxes would not be detectable by motion detector 82. As such, Hinchey fails at least to disclose or to suggest a detector located at an emergency equipment station for detection of the presence of an obstruction to viewing of or

access to the emergency equipment station, as required by amended independent claims 1 and 28, which are believed to be patentable.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been addressed specifically herein.

7. Claims 9, 10, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Rockwell et al.

Morgan et al. teaches all the limitations of the claims except for the communication between two emergency equipment stations. However, Rockwell discloses an emergency equipment station with wireless communications that is capable with point-to-point communication with another emergency equipment station (see column 11, lines 25+). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Morgan with the communication between two emergency equipment stations as suggested by Rockwell. Doing so would provide a convenience and effective emergency equipment station (see column 5, lines 2-57).

Rockwell does not remedy the forgoing deficiencies of Morgan. For example, Rockwell is not understood to describe or suggest a detector located at an emergency equipment station for detection of the presence of an obstruction to viewing of or access to the emergency equipment station. Rather, Rockwell appears to incorporate wireless communication into a network of defibrillators. For example, infrared technology is used to establish communication links (see FIG. 5 and col. 5, lines 1-59).

8. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Cronin et al.

Morgan et al. teaches all the limitations of the claims except for a detector for a low battery condition. However, Cronin et al. discloses an emergency equipment station 10 having a portable defibrillator, one or more batteries with a low battery detector 18/19 (see column 4, lines 29-37). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Morgan with the communication between two emergency equipment stations as suggested by Cronin et al. Doing so would provide a convenience and effective emergency equipment station.

Cronin does not remedy the forgoing deficiencies of Morgan. For example, Cronin is not understood to describe or suggest a detector located at an emergency equipment station for detection of the presence of an obstruction to viewing of or access to the emergency equipment

station. Rather, Cronin appears to provide a storage device for a defibrillator that is easily locatable and is capable of issuing an alert during a cardiac arrest incident (see col. 2, lines 5-67).

9. Claims 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin et al. in view of Morgan et al.

Cronin et al. teaches all the limitations of the claims except for a wireless or a hardwire communication. However, Morgan et al. discloses an emergency equipment station with wireless or hardwire communication capabilities. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Cronin et al. with a wireless or a hardwire communication as suggested by Morgan et al. Doing so would provide a versatile emergency equipment station (see column 1, lines 25-40).

As mentioned above, Cronin is not understood to remedy the forgoing deficiencies of Morgan. As dependent claims 36-39 respectfully depend upon amended independent claim 35, Applicants respectfully assert that claims 36-39 are also patentable over the combination of cited references.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-368-2191.

The required amount of \$510 for the Petition for Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account

Applicant : John J. McSheffrey et al.
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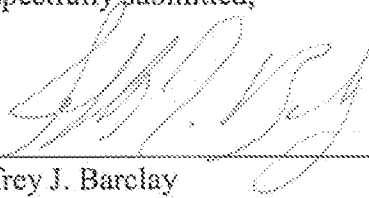
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Respectfully submitted,

Date: _____

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